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Information Advice and Support Kent

A service for Special Educational Needs and Disabilities
Helping you to make informed choices



Education, Health and Care Needs Assessment

Education, Health and Care Needs Assessment

Children and young people progress at different rates and learn in different ways; some will understand and remember well if they talk about something or read about it; others learn best by 'doing'.

Through 'differentiation' of the curriculum, a child or young person who is making slow progress can be helped to reach their full potential. Differentiation means that teachers will use different learning styles, materials, and resources to suit the individual's way of learning. The potential of one child or young person will be different from another.

Most children and young people's special educational needs and disabilities can be met effectively in mainstream education via SEN Support. In a small number of cases, where a child or young person's needs are significant and complex, the **Local Authority (LA)** may need to carry out an **Education, Health and Care (EHC)** needs assessment, and then consider whether to issue an Education, Health and Care plan (EHC plan).

An EHC needs assessment will not always lead to an EHC plan. The information gathered during an assessment may indicate ways in which the education setting can meet the child or young person's needs, without the need for any special educational needs provision through an EHC plan.

EHC needs assessment for children in early years settings, at school or post-16 provider.

This information is about Education, Health and Care needs assessment, sometimes called statutory assessment, for:

- children in early years settings
- children of school age
- Young people.

You might also like to look at our information leaflet on **[Education, Health and Care plans.](#)**

What is an EHC needs assessment?

An EHC needs assessment is a detailed look at a child's or young person's special educational needs (SEN) and the support he or she may need to learn.

Local authorities are responsible for carrying out EHC needs assessments under part 3 of the [Children and Families Act 2014](#) see web page:

www.legislation.gov.uk/ukpga/2014/6/part/3/enacted

The needs assessment brings together information about:

- what the child/young person can and cannot do
- the special help they need.

It includes information from:

- you
- child/young person
- the early years' setting, school or post-16 provider
- other professionals who work with or support the child/young person
- The assessment is to see if the child/young person needs an Education, Health and Care plan (EHC plan).

When is an EHC needs assessment necessary?

The early years setting, school or college can often give your child help through **SEN Support** (see our leaflet [SEN Support in mainstream schools](#)). This means that the educational setting makes additional or different provision to meet their needs. Sometimes other professionals will give advice or support to help your child learn.

Some children and young people need more intensive and specialist help. If your child does not make progress despite the SEN support an EHC needs assessment might be the next step.

The [SEND Code of Practice](#)* says:

In considering whether an EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress. (9.14)

The local authority will look at:

- your child's attainments and rate of progress
- their special educational needs
- what has already been done
- the difference that support has made
- your child's physical, emotional and social development and health needs.

The **SEND Code of Practice*** says:

A local authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. (9.3)

Some children and young people will have needs that clearly require an EHC needs assessment and EHC plan. Once the local authority is aware that this is the case it should start the process without delay.

You can find out more about the criteria that local authorities should follow in the **SEND Code of Practice*** sections 9.3 and 9.14 to 9.16.

Who can ask for an EHC needs assessment?

- parents
- a young person age 16 over compulsory school age, but under the age of 25
- the early years setting, school or post-16 provider, but only after talking with you first.

It is important that you talk to the early years setting, school or post-16 provider before asking for an EHC needs assessment.

Other people, such as your doctor or a health visitor, can tell the local authority that they think your child needs an assessment.

If you are making the request for an EHC needs assessment you can apply on-line via this link:

<https://www.kent.gov.uk/education-and-children/special-educational-needs/education-health-and-care-plans/request-an-education-and-health-care-needs-assessment>

If you do not have access to the on-line form, you can seek support from your early years setting, school, college or other services and agencies that you are working with.

Information, Advice and Support Kent can also support you with your request (03000 41 3000 or email: iask@kent.gov.uk).

What happens when the local authority gets a request for an EHC needs assessment?

The **SEND Code of Practice*** says:

In considering whether an EHC needs assessment is necessary, local authorities should pay particular attention to the views, wishes and feelings of the child and his or her parent, or the young person. (9.12)

The local authority has up to six weeks to decide whether to make an EHC needs assessment. During this time the local authority may ask you, the school and other professionals for information. The local authority must then tell you whether they have decided:

to start the EHC needs assessment immediately

OR

that an EHC needs assessment is not necessary

What happens if the local authority decides that an EHC needs assessment is not necessary?

The local authority **must** tell you why it thinks that an EHC needs assessment is not needed. It **must** also tell you about:

- your right of appeal and time scales
- independent **disagreement resolution** and **mediation services**
- how to get further information, advice, or support.

If you disagree with the decision, we can explain your options to you.

What happens if the EHC needs assessment goes ahead?

The **SEND Code of Practice*** says:

Local authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHC plan. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process. (9.21)

The local authority will ask several other people for information about your child. This is called 'advice' and it should include information about:

- child/young person's education, health, and care needs
- the desired **outcomes** for the child/young person

- the special educational, health and care provision that might be required to meet their needs and achieve the desired outcomes.

The local authority **must** seek advice and information from:

- parents (or the young person)
- early years setting, school or post-16 provider
- an educational psychologist
- health professionals who work with your child. This might include a paediatrician, speech and language therapist, physiotherapist, or occupational therapist.
- social care staff
- anyone else **you** ask them to contact who may be able to give relevant advice.

If your child has a vision or hearing impairment the local authority must also seek information and advice from a suitably qualified teacher.

You will receive a copy of all the reports when the needs assessment is finished.

If you want information, advice, or support during the EHC needs assessment contact us. This can include having an independent supporter to help you.

You can find out more about advice and information for EHC needs assessments in the **SEND Code of Practice*** sections 9.45 – 9.52.

What if some of this advice is already available?

Sometimes advice and information are already available because other professionals have been working with your child.

The **SEND Code of Practice*** says:

The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the local authority and the person providing the advice should ensure the advice remains current. (9.47)

When does the EHC needs assessment end?

Once the local authority has all the information and advice it must decide whether your child needs an **Education, Health and Care plan**. An EHC plan is a legal document written by the local authority. It describes the special educational needs that a child or young person has and the help that they will be given to meet them. It also includes the health and care provision that is needed. You can read more in our leaflet **[Education, Health and Care Plans](#)**

Sometimes the local authority will decide that your child has special educational needs that **can** be met through **SEN support**. If this is the case the local authority must tell you of its decision within **16 weeks** of receiving a request for an EHC needs assessment. The local authority must also tell you about your right to consider mediation should you wish to appeal the decision, and the availability of information, advice and support and disagreement resolution services.

If the local authority decides an EHC plan is necessary, it must first write a draft plan. It will send you the draft EHC plan and copies of the reports so that you can read it all. You should check that everything you think is important has been included and that you agree with the outcomes and the proposed provision. The local authority will also ask you which school you would prefer your child to go to.

You have 15 days to make comments, to ask for a meeting or accept the draft plan.

Note: that if you do not reply within 15 days the local authority may assume that you agree with the draft plan.

The last stage is for the local authority to send you the final EHC plan. If you are still unhappy with the plan or cannot agree with the local authority on a school, you have a right to go to mediation and/or to appeal (see page 14).

If you need help at any stage, you can contact us.

How long does all this take?

Please see timescales on the next page.
Sometimes the timescale can be different.
See **SEND Code of Practice*** section 9.42.

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| <p>The local authority receives a request for an EHC needs assessment. The authority must tell parents about this request</p> | <p>This is the start date</p> |
| <p>The local authority decides whether or not to carry out an EHC needs assessment</p> | <p>Within 6 weeks of the start date</p> |
| <p>The EHC needs assessment takes place</p> | <p>This starts as soon as the decision is made</p> |
| <p>EITHER The local authority tells the parents of the decision not to issue an EHC plan OR The local authority sends a draft EHC plan to parents</p> | <p>Within 16 weeks of the start date</p> |
| <p>Parents must respond to the draft EHC plan. They can: agree that the draft is accurate. Ask for changes. Ask for a meeting. Parents can also state a preference for an early years/school/post-16 setting</p> | <p>Within 15 days of receiving the draft EHC plan</p> |
| <p>The local authority consults with the early years/school/post-16 setting</p> | <p>Within 15 days of parents' response to the draft EHC plan</p> |
| <p>The local authority issues the final EHC plan</p> | <p>Within 20 weeks of the start date</p> |

What if I do not agree with the local authority about the EHC needs assessment or the EHC plan?

At any stage you can ask to talk to a member of the local authority's staff. This will usually be the person named in the letter the local authority sends to you when it receives a request for an EHC needs assessment.

We can give you impartial information and advice about the options open to you and support you through the process. This could include help from an **Independent Supporter**.

You also have a right to request independent **disagreement resolution** and, in some circumstances, **mediation**. You can find out more about disagreement resolution and mediation see our leaflet [**What if I do not agree with decisions about SEN provision**](#) and in the **SEND Code of Practice*** Chapter 9.

Where can I get more information, advice, or support?

You can read about Education, Health and Care needs assessments in the **SEND Code of Practice*** Chapter 9.

The [**SEND Information Hub – KCC's Local Offer**](#) includes more information on the local arrangements for EHC needs assessments at www.kent.gov.uk/education-and-children/special-educational-needs

IASK can give you:

- information about EHC needs assessments
- advice and support during the process of assessment
- details of other organisations, support groups and services that may be of help
- information, advice, and support about your rights to make a complaint, seek independent **disagreement resolution, mediation or appeal to the SEND tribunal**.

* **SEND Code of Practice** link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

On request, this information can be provided in alternative formats.

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